

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ELEVATION HEALTH LLC,
 Plaintiff(s),
 v.
 AMERICARE, INC., et al.,
 Defendant(s).

Case No. 2:22-cv-01590-GMN-NJK

Order

On December 7, 2023, the Court set a settlement conference in this case. Docket No. 64. On December 27, 2023, Defendant Americare filed a notice of bankruptcy. Docket No. 66. The parties indicated thereafter that the settlement conference should be continued until after March 22, 2024, to enable further bankruptcy proceedings. *See, e.g.*, Hearing Rec. (2/12/2024) at 2:12 – 2:14 p.m. The Court then ordered counsel to provide dates on which the settlement conference could proceed. *See* Docket No. 69. Moreover, the Court made clear that that any such filing must indicate whether the bankruptcy status of Americare rendered it impractical or improper to hold a settlement conference at this juncture. *See* Docket No. 71 at 1 (“If the parties believe that a settlement conference should not proceed at this juncture, then they must so explain in their written filing”); *see also id.* at 1 n.1 (“If the parties believe a settlement conference should not proceed at this juncture in light of the bankruptcy proceedings, they have not so stated”). The parties then filed a stipulation with dates to reset the settlement conference, Docket No. 72, and the settlement conference was accordingly reset for April 9, 2024, Docket No. 73.

The Court has now received settlement statements from the parties, both of which identify Americare’s bankruptcy as an obstacle to settlement and neither of which explains how that

1 obstacle can be overcome at any settlement conference.¹ Given the lack of explanation from the
2 parties as to how a settlement conference could be fruitful in the current circumstances with the
3 bankruptcy notice, the Court hereby **VACATES** the settlement conference. If the circumstances
4 change such that the parties believe this bankruptcy does not pose an obstacle to settlement, the
5 parties may at that time file a stipulation explaining why that is so and proposing new dates for a
6 settlement conference.

7 IT IS SO ORDERED.

8 Dated: April 4, 2024

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12 Nancy J. Koppe
13 United States Magistrate Judge
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27 ¹ Defendants' statement indicates that the defense is still working with bankruptcy counsel
28 as to how the settlement conference can proceed, which is the identical statement that counsel
made months ago.